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ABSTRACT

This report, written for the Americans for Indian Opportunity "Ambassador Program," addresses the need to research the detrimental effects of the guardianship program on Native Americans. The guardianship program was established by the United States government during the early 1900s to protect monies that Indians received from mineral and oil discovered on their allotments. Unfortunately, many Indians did not comprehend the complicated Euro-American laws and policies concerning land ownership. Few Indians who were in the guardian program gained anything or benefited from this policy. Angie Debo, author of "And Still the Waters Run," characterizes the guardianship program as a severe injustice to Native Americans and describes the prejudicial attitudes of the government and American people toward Indians. In 1924, Gertrude Bonnin was a research agent assigned to the Indian Welfare Committee, who studied the Indian probate situation in eastern Oklahoma. Although the report made strong recommendations to remedy the guardianship situation, most were never enacted. Other than Ms. Debo's and Ms. Bonnin's work, there are few reports or books that investigate the guardianship issue. A problem contributing to this lack of research could be the shortage of Indian scholars, historians, and researchers. This paper suggests that more research needs to be done on this topic, as the issue still affects American Indians today. Oral history, cross-referenced with other types of research, is an excellent method for linking the past to the present and investigating the guardianship issue. (LP)

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THE GUARDIAN PROGRAM FOR NATIVE AMERICANS

a Historiographic Review

by

Lance Kelley

Americans for Indian Opportunity

"Ambassador Program"

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The Guardian Program for Native Americans

Around the turn of the twentieth century, the United States government developed a program in which Native Americans were bribed, tricked, robbed, intimidated, and murdered by many different people, bureaucracies, and state governments. These atrocities committed against the Indians resulted in a loss of their culture, spirituality, and their economic base (Debo, 1940).

From the middle of the nineteenth century to the present day, the original inhabitants of this country have lost over fifty-two million acres, from signing treaties, negligence, misunderstanding, and naivete (Kickingbird and Ducheneaux, 1972). But a large percentage of land was taken through United States Government policies and programs, which were written to protect or help Native Americans maintain their land and sovereignty rights. Some policies were partially successful, while most were a total disaster. The guardian or wardship program was only one policy which allowed Native Americans to be deceived in many ways. Even though this policy has been amended, it is still operating today.

The guardian policy was a program was developed with the right moral intentions or justifications. The initial purpose was to provide government aid or guidance to Native Americans who needed help to organize or protect their personal finances (Burns, 1989).

The needed protection was necessary due to the amount of money Indians began receiving from their mineral and oil royalties discovered on their allotments. Unfortunately, many of the allottees did not comprehend or understand the complicated Euro-Americans laws and policies, concerning land ownership. The government appeared to sincerely want to help the Indians by designing this policy

solely for the protection of the Indian allottees. The original intent or idea of the program seemed righteous and honorable. It was a reasonable and lofty goal, because most of the Indians welcomed the help interpreting these foreign laws (Burns, 1989; Debo, 1940).

The reality of the protection received was far from the bureaucratic idealistic policy and the noble ideas faltered into corruption, exploitation, and even homicide (Debo, 1940; Wilson, 1985). Few of the Indians who were in the guardian program, gain anything or benefited from this policy. Most of the time allotees lost their land, but many individual lifes were also irrevocably altered. Many times the allottees were not informed of the decisions their guardians made for them or of their rights as land owners. The guardian controlled the flow of the allottees money. Buying a car or just going to the grocery store to buy a loaf of bread was a complicated endeavor, in which the guardian had to give his permission (Burns, 1992; Day, 1991).

Angie Debo was the premier writer in this area. In her infamous book, And Still the Waters Run [6], she calls the history of the Five Civilized tribes an, "Orgy of Exploitation," (Debo, 1940: x). She describes it as a severe injustice to Native Americans but also described the prejudice attitudes of United States Government and of the American people toward Indians. While she was growing up in Oklahoma, she admits she was unaware of what was flourishing around her. It was only when she started to do her own research did she begin to learn the truth about her state government.

In most of her work she gives a special insight about the unethical activities of the guardian program, during the middle of the twentieth century, when she was conducting most of her research. The books which consider guardianship, open up essential questions, which some have not been addressed or answered to date. Apart from, And Still the Water's Run [6], there are little published literature on

guardianship. Only a handful of historians and authors have investigated this menacing and sometimes unbelievable issue.

First, many scholars, researchers, or other concern individuals are unaware or unfamiliar about this particular policy. The few history books which do comment on this topic, only briefly mention it. For example, In Peter Nabovoke's, Native American Testimony [14], he copyrights a story about a young Choctaw girl, who was most likely murdered because of her rich assets. The story was reported in the nineteen-twenties, by Gertrude Bonnin, a Sioux woman, who wrote about this horrible situation during this time. But in the abstract of the chapter, Nabovoke focuses chiefly on Bonnin's contributions, instead of the guardianship situation.

Although Angie Debo wrote the most notable book on this issue, another publication mediates her work. In nineteen twenty-four, Secretary of the Interior Sniffen decided to make a report on the Indian probate situation among the Five Civilized Tribes in Eastern Oklahoma. The Indian Rights Association was invited to cooperate on this report. Gertrude Bonnin was the research agent assigned to direct the Indian Welfare Committee, who was assigned to do the study.

Bonnin's final report shocked almost everybody that was involved in Indian affairs at this time. Her findings described the hideous situation that was occurring in the Oklahoma courts and in the guardian offices' across Eastern Oklahoma. The report strongly recommended the Department of the Interior take over the responsibility and care of all the Indian wards, if the Government wanted the Indians to continue to own their property. The committee also recommended federal laws be passed for the protection of the Indians. In the end some of the recommendations did pass but most were never enacted or were flat out ignored.

Bonnin and her task force were the first to discover this chicanery in Oklahoma. Her writing and research is excellent and the details and general information she cites is

very informative. The report itself is only forty pages long, but the writing style is enlighten that I cannot understand how this manuscript has not been regarded as an indispensable source on guardians. Although it was written in the twenties, I feel it provides information that cannot be left out when researching the issue of guardianship. For example, she explains in detail how the whole contaminated system works, starting with the judges, all the down to the guardians and explains how they got appointed (Bonnin, 1924; p.17). This might seem simple but hardly anybody else seems to explains in such clarity how the whole arrangement operated.

Apart from these two publications, it was another twenty years before another major writing discussed this shocking system. In William Hagan's American Indians [12], which was done for the Chicago History of American Civilization series. It was first published in nineteen sixty-one, and recently had its third edition in nineteen ninety-one, with a new chapter added to it. However, some of the book's framework still has its basic roots in the same paternalistic ideology of the late nineteen-fifties. However, apart from Debo and Bonnin, this publication was probably the next to mention guardianship. Although the issue of guardians only covers two pages, compared to Debo's or Bonnin's readers, it allowed a larger reading audience to finally learn or discover the truth.

It is surprising to find the lack of research on this subject by Oklahoma indian scholars, specially the ones from Oklahoma. The real problem might be attributed to the shortage of Indian scholars, historians, and researchers. Having enough Indian scholars is a problem or dilemma that all Indian educators must try to rectify. This might be the underline problem in Indian history. Indians, regardless of profession or tribal affiliation, can echo the same grievances about how Indians have been documented in history books, but until more Identifiable Indians pursue this area, things may never change. There is hope this situation may improve because twenty-

five years ago there were approximately only ten Indian attorneys, now there are over 1000 Indian lawyers.

There are others who have contributed to the issue of guardianship, in the last twenty-five years. Terry Wilson in his book, The Underground Reservation [20], who was married to an Osage, Louis Burns in his book, A History of the Osage People [2], who has a small amount of Osage blood, Kirke Kickingbird, a full-blood Kiowa, in his book, One Hundred Million Acres [13], and Marcia Odell, a Cherokee citizen, in her book, Divide and Conquer: Allotment Among the Cherokee [15]; are the few who have done the most recent research on guardianship.

The issue of guardianship, involves many different issues, which include, embezzlement, malfeasance, competency, and exploitation. These reasons are why people, especially the state governments' wanted to sweep this enigma underneath the rug. It seemed most Euro-Americans have a care-free attitude towards this policy. This attitude can refer back to the old cliche, "If it ain't broke, don't fix it," just leave it alone. In 1940, Debo, completed her book, And Still the Waters Run [6], but it almost took her ten years for it to be published. Nobody wanted anything to do with her or her work, because of the allegations in it. Her difficulties in getting published demonstrated how writing about this particular policy could have ill effects on people, which probably has contributed to the lack of academic research in this area.

Her book was one of the first publications to actually discuss Native Americans as ordinary people, not only as artifacts or relics. Historical, Debo's book is one of few critical studies, that must be truly understood to totally comprehend the situation that occurred in Oklahoma for decades. Only Debo's and Bonnin's provides as much inside information about this abuse.

Sometimes it is hard to believe how scholars have never regarded this issue as important and why it has only been studied briefly. It seems this issue has been

ignored or even hidden. But I can begin to understand why it has never been intensively researched, or at least brought to the attention of the general public. The guardian program still affected many families today. For example, in Osage County, the Osages today know who are the descendants of the guardians are and know how they have benefited from the Indians. Today, many Indian families will only do business with certain companies in Osage County (Burns, 1992). It's been seventy years, since the Osage Murders, but family blood shed does not allow one to forget one's past.

However, I do feel this topic is just in the budding stage. More and more researchers and historians are beginning to clutch this issue more methodically. For example in (Burns, 1989; Parker, 1989; Wilson, 1985), all three recognize how guardianship was one of the most detrimental tactics used against Indians to remove them from their possessions and their culture. In the literature that discusses guardianship, it is done only as a subtopic or as a supplement to the work. I believe it is a issue which is worthy of more notice. A complete series of works could be developed from this hot topic. Unfortunately, most researchers kept away from this issue or are basically unaware of this subject. Guardianship needs to be viewed as valuable as other types of research and as a front-page item in the academic world (Burns, 1989; Carlson, 1981; Debo, 1949; Wilson, 1985; Hagan, 1961).

In Burns book, A History of the Osage People [2], he describes the Osages as being the one tribe which was probably the most exposed to guardians. While the Five Civilized tribes probably had more guardians overall, the Osages had more guardians allocated to each individual Osage. For example, at one time there were approximately four hundred lawyers and guardians living in Pawhuska, the central town in Osage County, which only had a population of few hundred people, all trying to somehow profit from the Indians (Burns, 1992; Franks, 1989).

In almost all of Debo's books, and in a few other books, they use a vital source, when conducting research on Native Americans. This great tool is oral history or interviewing. Using this type of research can only add validity and will provide a sense of authenticity to the work. Some writers of Native American history have realized how oral history is significant and how it can add a charismatic touch to the work. It gives the document a distinctive quality. It allows the reader and the researcher to gain a closer insight to the actual people in the books (Debo, 1940; 1951; 1970; Wilson, 1985; Burns, 1989; Franks, 1989; Gibson, 1980). If more researchers and scholars would start utilizing oral history as a primary source and realize it is just as meaningful as other types of research, they would find out oral history is an indispensable link between the past to the present.

I do realize and recommend, oral history cannot stand alone and must be cross-reference or cross-checked with other types of research. All types of historical documents must be used along with oral history, in order to correctly gather the proper information, from both points of view, the Indian and non-Indian perspectives.

The use of oral history can sometimes be seen between the different types of writers. For example, it seems more Native American scholars, whom are from "traditional homes," use oral history more than non-Indians do. I think some Indian writers start with oral history and build from there, or at least they regard oral history to be valuable and influential in their work and lifes (Kickingbird and Ducheneaux, 1973). Whereupon non-Indians do the contrary, they only use oral history as a supplement to their work, or not use it at all (Prucha, 1984; Hagan, 1961).

I think this difference in style, can be attributed to the cultural and educational differences between the backgrounds of the two types of writers. For instance, from the time young Indian children can listen and learn, they are told stories throughout their lifes. Oral history is a everyday occurrence for them. Children are never told to sit

down because the elders are about to tell them them some oral history, it just happens spontaneously (Burns, 1989; Kickingbird and Ducheneaux, 1973). Where as most white Anglo family's, parents regard written history to be the source of their children's educational foundation.

Debo's and Kickingbird's style is one of embracing native ideas and thoughts into their writing, whereas other writers give a straightforward history, which is very simple and easy to read and reminiscence of the early books which were written on Indians (Burns, 1989; Goble, 1980). Although their style might not be as glamorous or charismatic as other writers, most of the information they give is just as beneficial. For example, Burns section on guardian-ward relationship is very informative>. He illustrates how many Americans were entrusted to be guardians, yet stole money with no concern whether from Indians or whites.

When one is examining or researching guardianship, one cannot leave out oral history. There are still Indians alive today who had guardians, who could be excellent sources. They cannot be ignored any longer. Some books do use oral history, but it needs to be utilized more (Carlson, 1981; Odell, 1979). I have already done some preliminary interviewing, but will continue to use this technique in my thesis.

In almost of the literature I have researched, most use an assortment of sources, both primary and secondary. Some use primary more than others (Debo, 1940; 1956; Burns, 1989; Franks, 1989; Kickingbird and Ducheneaux, 1973). While others have very few sources (Goble, 1980; Gibson, 1981). Most of writers who utilized primary sources which consisted of federal and tribal documents, found at the Superintendent's office in Muscogee, Oklahoma (Debo, 1940;1970; Odell, 1979; Carlson, 1981). It is imperative for researchers to use primary sources when investigating the issue of guardianships because this topic involves actual people, whose families vividly remember almost every little detail of this hideous ordeal. In

some cases, this deceitfulness has occurred only two to three generations ago, making it fresh in people's mind.

In (Odell, 1979), she probably has the most insight regarding guardianship. Her thesis discusses how the different allotment policies and acts destroyed different parts of native culture. She explains very distinctively how minors were manipulated throughout the whole process. She approaches the study not as a Cherokee citizen, but from a qualitive perspective, examining objectively at the characteristics of the allotment process and its affects it had on Native Americans. Her book is three hundred pages long but a third of it consist of tables and graphics, which illustrate the different types of land transactions. These tables and graphs are excellent examples of primary sources. The only negative aspect of the use of the visual summaries is are sometimes confusing and hard to understand.

Another important research technique Debo utilized was conducting several different surveys. One type was conducted in nineteen forty-nine for the Indian Rights Association, under the title, The Five Civilized Tribes: Report on Social and Economic Conditions [7]. Another type of survey was conducted in nineteen fifty-six, which she partly used in her book, A History of the Indians of the United States [8]. By conducting these surveys she gained inside knowledge on native issues and problems. In the literature I have researched, no one has used this type of research, and I recommend more researchers should utilized surveys in their Native American research.

In A History of the Indians of the United States [8], Debo explains the often unreported business of grafting. Basically the grafter monopolized large tracts of land by buying or renting land from allottees. Then the grafter would lease it to other Indians or non-Indians at inflated rates. It is extremely informative how Debo correlates other issues with guardianship. These issues include probate matters,

competent, incompetent, heirs, restricted and non-restricted lands. It is important to remember many different issues are intertwined within the guardianship issue. Debo and Kickingbird are the only ones who have really examined guardianship in depth, including all of the different issues and policies.

Another book, which discusses grafting is Danny Goble's, Progressive Oklahoma: The Making of a New Kind of State [11], where he wrote a chapter on the business of "grafting." Surprising this book, which is about the progressive and political movement in Oklahoma, explains the situation of the Oklahoma Indians and how they were swallowed up by the grafters. Goble devotes considerable time on grafting, which hardly no other author does. He uses viewpoints from both perspectives and allows the reader decide for himself or herself, who oppressed who. Goble's book is different from other literatures, because the book discusses other topics apart from Native Americans. But he does bring new insight into this issue of guardianship.

He admits that his references on guardianship were only from two sources, which is a negative toward his book (Debo, 1942; Senate; 1907). While he has basic information from various sources, he uses his own interpretation based on his own knowledge and philosophy to develop his own thesis. I feel if Goble would have devoted more time to guardianship he could have developed some new theories or research concerning this issue.

Some of the writing pertaining to Indians might be bias or subjective toward the Native American perspective but I think this is necessary in some instances. More Indian writers and other perceptive writers are beginning to demonstrate their cultivation, sensitivity, and candor in their writing (Deloria, 1983; Kickingbird and Ducheneaux, 1973). Although academic and scholarly writing is built on objectivity, there needs to be a contemporary or unique voice that allows Indians issues and

ideas to be presented in a more favorable light.

I do admire writers, who are objective and who state viewpoints with no slant at all. These writers allow the reader to critically think for himself or herself. I feel centuries of injustices and mistreatment to the Indians can be constructively illuminated in the literature. Some writers illustrate the different viewpoints, with no bias at all and allow the reader to decide what is the truth and what is not (Carlson, 1981; Goble, 1980; Wilson, 1985).

For example in, Indians, Bureaucrats, and Land [4], by Leonard A. Carlson, he examines how the different Dawes Act affected Native Americans and their way of life. He analyzes all viewpoints and explains the outcomes. He scrutinizes the advantages and disadvantages of the act and tries to clarify the outcome. His whole thesis evolves around the economical aspects of the Allotment Acts and how they affected the lives of the natives. Throughout the whole guardian era, economical aspects were intertwined with the guardian program. He explains how many Euro-Americans using different strategies outright stole Indians of their money, land, and natural resources. He has developed an interested model that tries to explain how the settlers wanted the reservation lands allotted and how they decided on which land would be allotted first. It has economical terminology and philosophies which I am unfamiliar to me. On his segment on guardians, he points out that the allotment procedures were another way to give advice to the Indians. In a sense they were a guidance counselor to the natives. This was just another example of this guardian-ward mentality, or paternalistic relationship between the Indians and the Euro-Americans caused by lack of comprehension and respect for each others society..

In some of the work, I have read the writers use a technique, which I find ineffective. Some of the literature has a style utilizing a broad perspective, and never looking at the issue at the grass-roots level. In Prucha's books, it seems he is only

concern with policy not practice. At times it seems some writers have a paternalistic style of writing (Hagan, 1961; Prucha, 1984). Even the renowned Vine Deloria in his book, American Indians, American Justice [9], falls into this trap. People who use this style want only to discuss the broad picture or problem. but if they would use specific examples, case studies, or oral history in their narrative, it would add respectability and merit to it. It seems writers can accomplish both types of style, like (Debo, 1940; Burns, 1989; Kickingbird, 1973), do in their works. This is the type of approach I'm trying to use in my thesis.

In Kirke Kickingbird and Karen Ducheneaux book, One Hundred Million Acres [13], and Linda Parker's, Native American Estates [16], they illustrate a new and an important point. For once Indian people present their side of the legal controversy. These books present more of an Indian perspectives, which has for a long time never been heard. These works are fundamentally framed on Anglo-Saxon legal premises but have Indian law and issues providing the contents. This critical work must be pursed, especially in the nineteen nineties, because Indians must be able to convince to the American court system that Indian issues are very relevant in today's world (Deloria, 1982; Parker, 1989).

Kickingbird explores the different Congressional Acts that aided in the onslaught of Native American allotted lands. Also he describes the extreme circumstances of heirship and how this problem can lead to outroughous situations. An example is the case of Nancy Cloud and her heirs. Since her death in 1959, over 180 individuals have been considered heirs and this demonstrates one way how land was indirectly lost. The Dawes Act, along with the others were a covert goal from the beginning, only concerned with obtaining the land from the natives.

But the unrivaled part of the Kickingbird and Ducheneaux book is their writing style. They have a gift which they can illustrate their point with a certain degree of

sarcasm. For example, when Kickingbird is discussing the Osage murders, he states,

> "When the full-bloods began to disappear mysteriously and with their dying breath showed their appreciation by leaving their estates, not to their families, but to their friendly white lawyers, who gathered to usher them into the Happy Hunting Ground." (Kickingbird and Ducheneaux, 1973: 22).

This quotes demonstrates the wit in their writing and allows the reader insights into the issue of guardianships and all of the other related topics involved. Throughout their book, they demonstrate a style that no other Anglo writer can match. Their satire and introspective are unequaled. I think no one uses this style better than Kickingbird and Ducheneaux (Deloria, 1983; Debo, 1940).

When investigating or scrutinizing other people's works, it is important to demonstrate objectivity in his or hers work. This is especially true if it is concerning Indian history. If a person has some type of personal intention or motive in trying to discover the truth, one must be careful not to allow personal feelings interfere with the work. Impartiality is an ingredient that must be abided by the historian. This is definitely true when researching guardianship, because it is still affecting people's lives. One doesn't have to be pro-Indian when researching Indian history, one just

has to be pro-integrity (Debo, 1979; p. 406)

The history of guardianship is one of fraud, trickery, and flat-out corruption, involving all kind of people from individual guardians to state officials. This policy mislead thousands of Indians, not only regarding their financial situations, but also their personal lifes. Indians needed the help and the guidance to adjust to the culture which was forced upon them. But the direction they received was polluted from the start. A question which might never be quiet answer is.whether or not guardianship was the better of two evils. The Indians were in a no-win situation. They could either attempt to survive by themselves or they could be placed in this program. This is a very difficult question to answer, because one can only speculate on what would have occurred if Indians were left alone. This is a difficult question to research and answer. But I do believe if they had been left to protect their own interests, they would not have been any worst if they never had guardians. Indians would have decided automously, and would have endured as they have for the past five centuries.

Hopefully, all citizens will one day learn the truth about what occurred to many Indians throughout the United States, not only regarding their finances but what happen to their personal freedom and rights.

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